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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/471,429
Filing Date: December 23, 1999
Appellant(s): WALLAR II, DONALD E.

Paul D. Greeley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3 July 2007 appealing from the Office action

mailed 13 October 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,911,776	GUCK	06-1999
6,629,130	MERTAMA	09-2003
6,230,173	FERREL	05-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 10, 15, and 20-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Guck (USPN 5,911,776 -filed on 12/1996, herein after "~Guck") in

view of Mertama et al. (Patent # 6,629,130).

Regarding independent claims 1,10, 15, 20, 21, and 23, Guck discloses:

Composing a computer message (on col. 2, lines 1-19 teaches an author could

originate a text or message of his own personal format), comprising the steps of: (a)

presenting a message composition area for entry of an unformatted message into one

text field (on col. 2, lines 1-19, col. 6, lines 10-28, and col. 12, lines 56-65 teaches an

author can create its own message or document in his own format such as Rich Text

Format (RTF) (unformatted); the RTF is not a tagging language like TIFF, SGML or

HTML) and at least one selection field associated with text field (See Guck, col. 16,

lines 40-45, Specifically line 44, wherein Guck teaches selection field to select

converter). message format selector for selecting an output format from a plurality of

formats (col. 16, lines 15-25 and on col.6, lines 49-64 teaches the user sender can

change the document by reformatting it in any one of the formats required for the

intended recipients); a formatted message display area; converting unformatted

message to form a formatted message with format tags of said on of output formats (on

col. 5, lines 29-33, col. 6, lines 49-64, and on col. 9, lines 57-65 teaches converting Rich

Text format (an untagged format) into TIFF (a tagged format); wherein the document will

be formatted in TIFF for display). Presenting message into one text field (col. 12, lines

57-60, wherein the file is a word file. It is inherent that a text field is present) having at

least one associated selection field (col. 16, lines 13-23, wherein author creates text file

and defines MIME type and selects format. It is inherent that file type is selected (MIME)

along with format) and formatted message structured according to output format and

selection field (Col 16, lines 15-23, as discussed above. It is inherent that output

formatted message is structured in context with selection)

Guck fails to teach assigning format tags to formatted message and formatted message

is structured for display based on selection field data. Mertama et al does. Specifically,

Mertama teaches assigning format tags to formatted message and formatted message

is structured for display based on selection field data as described in col.5, lines 33-col.

6, line 8.

Therefore it would have been obvious for a person with ordinary skill in the art at the

time the invention was made to incorporate Mertama's format tags in method of Guck

because it provides for functionality and identification of different format which is

desired.

Regarding dependent claims 22 and 24, Guck discloses: displaying said formatted

message for user review (on col. 7, lines 6-10: teaches text of a document or message

can be displayed for review).

Regarding independent claims 25-29, they are substantially similar to claims 20-24

and are rejected under same rational.

Claims 2-7, 11-14, and 16-19 arc rejected under 35 U.S.C. 103(a) as being

unpatentable over Guck in view of Mertama et al., as applied to claims 1, 10, 15, and

20-29 above, and further in view of Ferrel et al. (USPN 6,230,173 B1 -fled on 07/19'95).

Regarding dependent claims 2, 11, and 16, combination of Guck and Mertama

discloses. the invention substantially as claimed as described supra. However,

combination of Guck and Mertama does not explicitly disclose, "message formats

include SGML and book manager script".

Ferrel on col. 20, line 57 - col. 21, line 26 and col. 2.3, lines 30-33 teaches converting

Rich Text (RTF) into a Multimedia Data Format file (MDF); wherein the MDF is the

MPML markup language tagged storage; wherein MPML text derived from SGML and

HTML.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Ferrel into Guck and Mertama to provide a way to

author documents from Rich Text format (RTF) to be converted into a MDF being a

MPML markup language tagged storage, as taught by Ferrel, incorporated into the

converting of RTF into TIFF, as taught by Guck and Mertama, in order to provide the

ability to place embedded objects within the structure of the document in an authoring

environment.

Regarding dependent claims 3, 12, and 17, Guck discloses:

a formatted message display area (Duck on col . 5, lines 29-33, col. 6, lines 49-64, and

on col. 9, lines 57-65 teaches converting Rich Text format (an untagged format) into

TIFF (a tagged format); wherein the document will be formatted in TIFF for display).

Regarding dependent claims 4,13, and 18, Ferrel discloses:

wherein computer instructions for steps (a) and (b) are implemented in Java script

(Ferrel on col. 14, line 65 -col. 15, line 3 teaches scripting controls to respond to actions

or automatically perform actions at runtime).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Ferrel into Guck and Mertama to provide a way to

author documents from Rich Text format (RTF) to be converted into a MDF being a

MPML markup language tagged storage, as taught by Ferrel, incorporated into the

converting of RTF into TIFF, as taught by Guck and Mertama, in order to provide the

ability to place embedded objects within the structure of the document in an authoring

environment.

Regarding dependent claims 5, 14, and 19, Guck discloses "wherein said

unformatted message is a first unformatted message, said formatted message is a first

formatted message, said message area further includes a formatted display area" on

col. 5, lines 29-32 teaches converting rich text format (RTF) into the TIFF format (tag

format).

Ferrel discloses "in response to entry of a second unformatted message into said

second message composition area, converting said unformatted message to form a

formatted message with format tags of said one of said output formats; and (d)

presenting said first and second formatted messages as a concatenated complete

message for display in said formatted message display area", on col. 2, lines 36-47

teaches creating an displaying stories that are formatted from text document into SGML

or HTML to be displayed in an on-line network; wherein producing documents that are

tagged in either the SGML and HTML format (first and second message composition

area); col. 3, lines 46-65 and on col. 20, line 57 --col. 21, line 26 teaches converting

Rich Text format (RTF) to a MDF that holds is tagged language MPML (converting

unformatted message into format tags).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Ferrel into Guck and Mertama to provide a way to

author documents from Rich Text format (RTF) to be converted into a MDF being a

MPML markup language tagged storage, as taught by Ferret, incorporated into the

converting of RTF into TIFF, as taught by Guck, in order to provide the ability to place

embedded objects within the structure of the document in an authoring environment.

Regarding dependent claim 6, Guck discloses:

Guck discloses "editing first and second formatted messages and sending a copy of the formatted message to a computer message file" on cot. 6, lines 49-64 teaches author or user sender selects among various formats to reformat his document to send to various recipients and on cot. 12, lines 56-65 teaches creating a file and defining the file in a alternate format. Regarding dependent claim 7, Ferrel discloses:

wherein said first and second composition areas and said formatted message display area are formed in a template that is presented an a web page, and wherein steps (e) and (f) are performed via said web page (Ferret on cot. 3, lines 46-65 teaches using Word template to help author produce documents with valid embedded codes).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Ferrel into Guck and Mertama to provide a way to author documents from Rich Text format (RTF) to be converted into a MDF being a MPML markup language tagged storage, as taught by Ferrel, incorporated into the converting of RTF into TIFF, as taught by Guck, in order to provide the ability to place embedded objects within the structure of the document in an authoring environment.

(10) Response to Argument

A.   Appellant argues that Guck in view of Mertama fails to teach an "unformatted message". The Office respectfully disagrees. The Office notes that the Instant Specification does not provide a definition of an "unformatted message". In the absence of clarification, the Office interprets "unformatted" as typically applied to the art at the time of the invention. According to www.dictionary,com, "unformatted" is defined as "Not being in or having a proper format" (See Exhibit 1, 2nd page). Guck teaches a message in a personal format that is unknown to the receiving application. As such, from the standpoint of the receiving application, the message is "unformatted". It would have been obvious to one of ordinary skill in the art at the time of the invention to conclude that the data in a personal format of Guck was "unformatted" for the receiving application, providing the benefit of allowing the data to be converted to an appropriate format according to the needs of the receiving application (See Guck, Column 6, lines 10-28).

B.   Appellant argues that Guck in view of Mertama and Ferrel fails to teach an "unformatted message". The Office respectfully disagrees. For the reasons stated above, the Office maintains that Guck teaches an "unformatted message" as known in the art at the time of the invention.
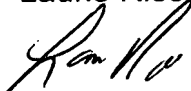
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

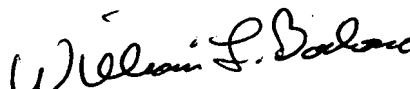For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
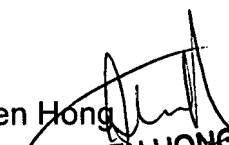
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